



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON, VA 22201-2909

COPY MAILED

JUN 18 2007

In re Application of
Humphries, et al.
Application No. 10/758,769
Filed: January 16, 2004
Attorney Docket No. SKY03008

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed May 18, 2007.

The petition under 37 CFR 1.181(a) is **DISMISSED**.

The above-identified application became abandoned for failure to reply to the final Office action mailed July 18, 2006. The notice set a shortened statutory period for reply of three months from its mailing date. No response was received within the allowable period, and the application became abandoned on October 18, 2006. A Notice of Abandonment was mailed on March 19, 2007.

Petitioner maintains that the notice was never received and that the holding of abandonment should be withdrawn, accordingly.

A review of the application file and the Office computer records reveals that on July 18, 2006, (the date the notice was mailed), the address of record was cited as "WorldCom, Inc., Technology Law department, 1133 19th Street, NW, Washington, DC 20036." The notice was mailed to this address and was not returned to the USPTO as undeliverable. On March 22, 2007, the correspondence address for the application was changed to "Verizon, Patent Management Group, 151 N. Courthouse Road, Suite 500, Arlington, Virginia 2201-2909." It is noted that the petition cites a third address. Petitioner argues that the holding of abandonment should be withdrawn because the notice was not received.

Petitioner's argument is not persuasive. Petitioner has not demonstrated that "WorldCom, Inc., Technology Law department, 1133 19th Street, NW, Washington, DC 20036" was the correct address of record on the date the notice was mailed. Applicants are required to provide the USPTO with a timely notification of a change of correspondence address and withdrawal of a holding of abandonment would not be appropriate when a notice is mailed, but there was a material change in a correspondence address and petitioner failed to provide timely notice same. Petitioner must either demonstrate that the final Office action was not received at "WorldCom, Inc., Technology Law department, 1133 19th Street, NW, Washington, DC 20036" or that petitioner notified the USPTO of the change of correspondence address to "Verizon, Patent Management Group, 151 N. Courthouse Road, Suite 500, Arlington, Virginia 2201-2909" prior to the mailing of the non-final Office action and the non-final Office action was not received at that address.

Petitioner may file a petition under 37 CFR 1.137(b) to revive the application. The fee for the petition is \$1500.00 large entity or \$750.00 for a small entity.


The address cited on the petition differs from the address of record. Although a courtesy copy of this decision is being mailed to the address cited on the petition, all future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Cc:
Phouphanomketh Ditthavong
Ditthavong Mori & Steiner, P.C.
918 Prince Street
Alexandria, VA 22314